

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GRAZYNA SKLOWDOWSKA-GREZAK,

15-cv-1670

Plaintiff,

- against -

JUDITH A. STEIN, PH.D, ET AL.,

MEMORANDUM OPINION
AND ORDER

Defendants.

JOHN G. KOELTL, District Judge:

The Court has received the plaintiff's motion for the Court to recuse itself, ECF No. 92. Although the Court has indicated that it will not decide motions while the appeal in this case is pending, the Court will consider the submission because it does not relate to the merits of the case. The gist of the plaintiff's argument is that the defendants' letters to the Court have been "ex parte and inflammatory," and prevent the Court from being fair and impartial.

The plaintiff has failed to present any colorable grounds for recusal. The Court has the obligation in the first instance to review the allegations to determine if they are legally sufficient. See, e.g., In re Drexel Burnham Lambert Inc., 861 F.2d 1307, 1312 (2d Cir. 1988) ("Discretion is confided in the district judge in the first instance to determine whether to disqualify himself."). "A judge is as much obliged not to recuse himself when it is not called for as he is obliged to when it is." Id.

There has been no showing of bias, and none exists. Many of the plaintiff's accusations are directed at the Magistrate Judge and not at the Court. The Magistrate Judge can address the separate motion to recuse the Magistrate Judge. The remaining accusations are frivolous. There have been no "secret proceedings," nor have the defendants' communications served to prejudice the Court against the plaintiff. The Court has not engaged in ex parte communications. The Court routinely sends all orders to the plaintiff in addition to the defendants, and speaks to the parties only during conferences with a court reporter present. There is no basis to believe the Court is biased in any way. The Court will continue to decide all matters in this case based solely on the facts presented and the law and will continue to be fair to all parties.

The motion for recusal is **denied**. The Clerk is directed to close ECF No. 92.

SO ORDERED.

Dated: New York, New York

January 20, 2017

___/s/

John G. Koeltl

United States District Judge